

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR VELASQUEZ

Plaintiff,

-against-

JOHNSON DELI NY Inc., et al.,

Defendants.

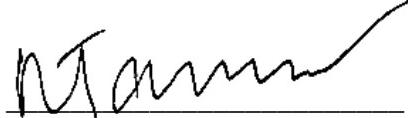
23-CV-7289 (RFT)

ORDER**ROBYN F. TARNOFSKY**, United States Magistrate Judge.

Before me is the parties' joint request that the Court approve their settlement agreement in this case (the "Settlement Agreement"), a fully executed copy of which was submitted on June 28, 2024 (ECF 23-1). This case is an action for money damages under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. ("FLSA") and under various provisions of the New York Labor Law. A federal court must determine whether settlement of an FLSA case is fair and reasonable and the subject of an arms'-length negotiation, as opposed to an employer's overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015). I have carefully reviewed the Settlement Agreement, as well as the parties' letter addressing whether the Settlement Agreement is fair and reasonable (ECF 45) and the supplemental filing on the reasonableness of Plaintiff's attorneys' fees (ECF 47). I have considered, without limitation, the prior proceedings; the risks, burdens, and costs of continuing the action; the range of possible recoveries; the terms of the Settlement Agreement, including but not limited to the scope of the releases; whether the Settlement Agreement is the product of arms'-length bargaining between experienced counsel or parties; the possibility of fraud or collusion; and the reasonableness of the attorneys' fees to be paid. Considering all these factors, I find that the Settlement Agreement is fair and reasonable. The Settlement Agreement hereby is approved. This action is hereby dismissed with prejudice. The Clerk of Court is respectfully directed to close this case. The Court shall retain jurisdiction to enforce the Settlement Agreement.

Dated: September 9, 2024
New York, New York

So Ordered.



ROBYN F. TARNOFSKY
United States Magistrate Judge